

Letter to SSDC

December 2019

Dear

Planning Application: 18/01536/OUT - Land OS 0020 Tellis Cross East Coker

The East Coker Parish Council must raise serious objections and concerns at the way in which the recent planning application at Tells Cross was decided.

The Parish Council spent a considerable amount of time and money, over 4 years preparing the Neighbourhood Plan. Yet at the first challenge, the Planning Authority has chosen to ignore the plan's policies and has given little or no regard to the plan at all.

The Officer's report briefly refer to Neighbourhood Plan Policies in the introductory section but in considering the application, makes no attempt to assess the proposal against the NP policies and makes no reference to the fact that the application conflicts with a number of NP policies.

The report fails to highlight the fact that the NP was approved only last November and that the Examiner that considered the plan specifically recommended that the policy relating to the retention of open space at Tellis Cross and that it should be retained in the Neighbourhood Plan. These and other matters were all fully addressed in the several representations submitted by the Parish Council on this application.

The report prepared by the Planning officer only refers to the NP on one occasion where the heading lists NP 11 policies. Despite the fact that there are all these policies that are relevant to the application, the officer makes no further reference at all to the NP and there is no consideration or discussion about the conflict with NP policies. Indeed after listing the policies, the report immediately refers to section of the NPPF as if to undermine the Neighbourhood Plan.

The report gives considerable and undue weight to the fact that the Council cannot demonstrate a 5 year land supply, as it mention this factor 7 times in the report. Whilst this is one factor, it should not necessarily override all other policies, as has been the case here.

The report makes no reference to the representations of the Parish Council that refer to recent High Court cases that ruled clearly that the absence of a 5 year land supply does not automatically or necessarily override all other policies. This is considered to be serious error and omission in the officer's report.

All of the above demonstrates that the officer's report is deficient in many regards; that many planning policy and High Court case law considerations have been ignored and that therefore, the decision could clearly be open to legal challenge.

In this case, the Planning Authority has in effect been 'blackmailed' into granting consent due to the apparent threat by the applicant to close the play area, despite the very clear planning policy objections as set out in the neighbourhood Plan and in the Parish Council's various representations.

There was a request that this application should be considered by the Area Planning Committee, but for reasons unknown to the Parish Council and despite the obvious conflicts

with the NP, only one of the 3 councillors supported this approach. Can an explanation please be provided as to why the other two councillors opposed this move?

The fact that the application was submitted in May 2018 and yet has only just been decided, demonstrates that it was contentious and complicated. Surely it is these types of applications, where there is clearly conflict with Local and Neighbourhood Plan Policies, are precisely the ones that the Committee should examine and decide.

The questions must be asked therefore;

- Why was there no communication or meeting proposed between the planning officer and the Parish Council to discuss the issues, before the decision was made?
- What is the purpose of the Neighbourhood Plan if it is ignored by the Planning Authority at its first challenge?
- What therefore is its status in the eyes of the Planning Authority, when it is ignored in planning application reports?
- If there continues to be no 5 year land supply, does this mean that every single planning application in East Coker will now automatically be approved?
- Why was no consideration given the recent High Court cases that have deliberated on this 5 years supply issue?

The Parish Council is therefore expressing its serious concern and disappointment, not only at the final decision, but perhaps more importantly for the future, due to the fact that there has been no proper consideration of the Neighbourhood Plan policies in the officer's report

The District Council makes much of supporting the preparation of Neighbourhood Plans, but it is clear that they carry no weight at all when it comes to deciding planning applications.

Answers to these questions are therefore requested.

Yours sincerely

Jude Heggarty

Clerk East Coker Parish Council